

Federal Defenders
OF NEW YORK, INC.

Southern District
52 Duane Street, 10th Floor
New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

Tamara Giwa
Executive Director

Jennifer L. Brown
Attorney-in-Charge

May 29, 2025

By ECF and e-mail

Honorable Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Jason Valdes and Nelson Torres Torres*, 25 Cr. 242 (LAP)

Dear Judge Preska:

I represent Nelson Torres Torres, and write to respectfully request that the Court accept Mr. Torres's waiver of appearance at his arraignment pursuant to Federal Rule of Criminal Procedure 10(b). Mr. Torres lives in Puerto Rico, and given the brevity of the proceeding and Mr. Torres's limited financial means, we would prefer not to have to incur the costs of travel where the Federal Rules of Criminal Procedure expressly permit waiver. Alternatively, we respectfully request that the Court arraign Mr. Torres Torres by video teleconferencing. *See* Fed. R. Crim. P 10(c). The Government – per Assistant U.S. Attorney Connie Dang – takes no position on the request.

On February 20, 2025, Mr. Torres was arrested in the District of Puerto Rico, where he lives, pursuant to Rule 5(c)(3). He was released on conditions, and appeared in this district on March 5, 2025, at which time additional bail conditions were set. Mr. Torres then returned to Puerto Rico.

On May 27, 2025, an indictment was filed charging Mr. Torres with participating in a conspiracy to distribute narcotics, in violation of 21 U.S.C. § 846. *See* ECF No. 21, attached as Exhibit A. I have reviewed the indictment with Mr. Torres and have explained, among other things, (1) the nature of the charges and potential penalties; (2) Mr. Torres's right to be present at the arraignment; and (3) the requirements for waiver of appearance under Rule 10(b).

Rule 10(b) provides, in pertinent part, that a defendant

need not be present for the arraignment if: (1) the defendant has been charged by indictment . . . ; (2) the defendant, in a written waiver signed by both the defendant and defense counsel, has waived appearance and has affirmed that the defendant received a copy of the indictment . . . and that the plea is not guilty; and (3) the court accepts the waiver. Fed. R. Crim. P. 10(b).

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We respectfully request that the Court accept Mr. Torres waiver of appearance at his arraignment. *See* Exhibit B. Alternatively, we respectfully request that the Court arraign Mr. Torres Torres by video teleconferencing. *See* Fed. R. Crim. P 10(c).

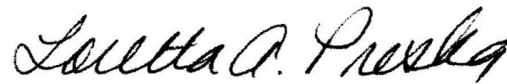
Respectfully submitted,

/s/ _____

Martin S. Cohen
Ass't Federal Defender
Tel.: (212) 417-8737

cc. All counsel of record, by ECF

The request to waive Mr. Torres' appearance at his arraignment is granted. The arraignment is scheduled for June 9, 2025 at 11:30 am in Courtroom 12A. The Clerk of the Court shall close dkt. no. 22. **SO ORDERED.**



Loretta A. Preska
United States District Judge

June 2, 2025
New York, New York